

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CV-23-BR

MORRIS & ASSOCIATES, INC.,)
)
Plaintiff,)
)
v.)
)
COOLING & APPLIED)
TECHNOLOGY, INC.,)
)
Defendant.)

ORDER

This matter comes before the Court on Defendant's Renewed Motion to Seal and Motion to Substitute [DE-90] which asks this Court to (1) seal Exhibit I-1 and Exhibit I-2 to Plaintiff's Memorandum in Support of Plaintiff's Motion for Preliminary Injunction [DE-50]; (2) seal Exhibit H and Exhibit I to Defendant's Response and Memorandum in Opposition to Plaintiff's Motion for Preliminary Injunction [DE-54] ("Memorandum"); and (3) remove Exhibit C3 to the Memorandum from the court file and the CM/ECF system and substitute it with a redacted version of the same. Plaintiff consents to this Motion.

The Court finds that Exhibit I-1 and Exhibit I-2 to Plaintiff's Memorandum in Support of Plaintiff's Motion for Preliminary Injunction and Exhibit H and Exhibit I to the Memorandum contain confidential customer and sales information which could be harmful to Defendant if revealed to the marketplace. This risk of harm outweighs any public right to access and the alternatives to sealing are inadequate. For the reasons set forth in Defendant's Motion and pursuant to the Court's Joint Protective Order, the Court finds good cause to grant Defendant's Motion to Seal.

Further, the Court finds that substituting Exhibit C3 with a redacted version of the same is an appropriate alternative to sealing. For the reasons set forth in the Defendant's Motion and pursuant to the Court's Joint Protective Order, the Court finds good cause to grant Defendant's Motion to Substitute. However, because a document cannot be removed from CM/ECF, the Court orders that Exhibit C3 shall be sealed and that Defendant shall file a redacted version of the same exhibit, which shall be linked to the sealed Exhibit C3.

This the 15th day of December, 2010.



DAVID W. DANIEL
UNITED STATES MAGISTRATE JUDGE